



The Constitutional Amendment

How Was the Need for a Constitutional Amendment Determined?

In 2012, the Executive Office on Early Learning (EOEL) was mandated to create a plan for a statewide early learning system (Act 178). To meet the mandate, EOEL drew upon past work, current state and national expertise, and input from the local early childhood community to develop a high-quality early learning program. The culmination of this work is detailed in the [Blueprint of the Early Learning Program](#), the goal of which is that four-year-old children have access to high-quality early learning opportunities and be ready to succeed in school.

As EOEL prepared for implementation of this program, the Attorney General identified a significant barrier to EOEL's plans: Article X, Section 1, of the Hawaii State Constitution restricts the use of public funds for the support or benefit of private educational institutions.

Why We Need a Constitutional Amendment

EOEL, with great support from the Governor and our key stakeholders, believes it is necessary to:

- Deliver early learning services through partnerships with private programs. They have been the mainstay providers for our families and indicate available capacity.
- Incorporate explicit educational goals and standards. This will result in the higher-quality services that produce the child outcomes needed to make a difference.

The Attorney General has advised EOEL that a Constitutional amendment (ConAm) is necessary to allow EOEL to contract with private early childhood education programs and enable Hawaii to continue moving toward a high-quality early learning system. If approved by the Legislature, the ConAm question would appear on the 2014 election ballot to be ratified by voters.

The School Readiness Program & Early Childhood Education Program

Once EOEL realized the Constitutional roadblock to implementing its original plan, it added phases to the plan. The bill proposing the ConAm (HB853 / SB1084) was introduced as part of the Governor's legislative package, and one of three specific to the development of a high-quality early learning system for Hawaii's children. The remaining two bills provide for the phases – the School Readiness Program and Early Childhood Education Program, respectively.

The School Readiness Program (HB862 / SB1093):

- What can be implemented now, without a ConAm.
- Immediately allows more children to be ready to learn on day one of kindergarten. Provides services to the gap group resulting from the 2014 change in kindergarten entry age.
- Will help a child prepare to learn by focusing more on socialization skills.

- Services can only be delivered through DHS-licensed child care providers and DOE. Providers must also meet the qualifying criteria (above child care) established by EOEL.
- Establishes the foundation/infrastructure for the Early Childhood Education Program.
- Start date: Fall 2014.

The Early Childhood Education Program (HB864 / SB1095):

- The large, full-scale program that can be implemented only with a ConAm.
- Serves more children.
- Will help a child with social-emotional development but also intellectual development. Incorporates higher standards for curriculum, assessment, and teacher quality that can be aligned with 100% of the Hawaii Early Learning and Development Standards. Tied to educational outcomes. Focuses on the “whole” child; still developmentally appropriate.
- Only under this program will we be able to hold participating providers accountable for educational outcomes, which is what is needed to help us achieve the outcomes we want for children.
- Because the focus is on education, the risk of it being challenged under the Constitution is high – there has been litigation in the past.
- Start date: Fall 2016.

Bottom line

The ConAm is a vital legal maneuver to align State law with our ability to implement the high-quality early childhood education program that will help us achieve the outcomes we need to make a difference for our keiki and our state.

The most urgent matter is still the need to provide services for the thousands of late-born children who will not be able to enter kindergarten in 2014.

Therefore, support is needed for the establishment of the School Readiness Program as well as the ConAm and Early Childhood Education Program.